



10/010,749

Attorney Docket No. 21349/14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Jean-Louis Escary

APR 0 5 2002

APPLICATION NO.: 10/010,749

GROUP ART UNIT: 165 TECH CENTER 1600/2900

FILED: December 6, 2001 EXAMINER: Unknown

FOR: Method for the Determination of at Least One Functional Polymorphism
In the Nucleotide Sequence of a Preselected Candidate Gene and Its Applications

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on:

By:

Deborah Celeste

Date

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information
Disclosure Statement for consideration by the Examiner.



10/010,749

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I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION 5 2002

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), **all of the patents, publications or other information are in the English language** or were cited in an English language Search Report, a copy of which is attached hereto **(concise explanation not required).**
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEESIV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. . § 1.17(p).

or

- b. _____ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

☐ Please charge Deposit Account No. 500369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

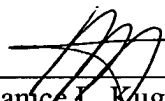
Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstract.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 500369.

Respectfully submitted,

Date: March 29, 2002



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Sheet 1 of 2

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|---|----|--|-------------|----------------------------------|-------|--------------------------|-------------------------|
| FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT | | | | ATTY DOCKET NO. 21349/5 | | SERIAL NO. 10/010,749 | |
| | | | | APPLICANT(S): Escary, JL | | | |
| | | | | FILING DATE: December 6, 2001 | | ART UNIT: 1651 | |
| UNITED STATES PATENT DOCUMENTS | | | | | | | |
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | INVENTOR | CLASS | SUB CLASS | FIL. DATE IF APPR |
| | A1 | 5,795,976 | 1998-08-18 | Oefner, et al | 536 | 25.4 | 1995-08-08 |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRAN Y/N |
| | B1 | WO 0066772 | 2000-11-09 | PCT | C12Q | 1/68 | Abstract only |
| | B2 | WO 0034652 | 2000-06-15 | PCT | F04B | 1/14,1/12 | Y |
| | B3 | WO 01/27857 | 2001-04-19 | PCT | G06F | 19/00 | Y |
| | B4 | EP 0 626 448 A | 1994-11-30 | EPO | C12N | 15/21 | N |
| | B5 | WO 98 00541 | 1998 -01-08 | PCT | C12N | 15/12 | Y |
| | B6 | EP 0 658 627 A2 | 1995-06-21 | EPO | C12N | 15/85 | Y |
| | B7 | EP 0 095 702 A1 | 1983-05-24 | EPO | C12N | 15/00 | N |
| | B8 | WO 83/02461 | 1983-07-21 | PCT | C12N | 15/00 | Y |
| | B9 | WO 99/57292 | 1999-11-11 | PCT | C12N | 15/90 | Y |
| OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) | | | | | | | |
| | C1 | Lee <i>et al.</i> , <i>Interferon-α_2 Variants in the Human Genome</i> . J. Interferon and Cytokine Research 15: 341-349 (1995). | | | | | |
| | C2 | Gewert <i>et al.</i> , <i>Detection of Rare Allelic Variants of the Interferon-α_2 Gene in Human Genomic DNA</i> . J. Interferon and Cytokine Research 15: 403-406 (1995). | | | | | |
| | C3 | Kita <i>et al.</i> , <i>Determination of interferon-α_2 allele composition in the genomic DNA from healthy volunteers and leukemic patients in Japan</i> . J. Interferon and Cytokine Research 17:135-140. (1997). | | | | | |
| Examiner: | | | | | Date: | | |



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| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRAN Y/N |
| OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) | | | | | | | |
| | C4 | Allen, M., et al., <i>Single Nucleotide Polymorphism Identification in Candidate Genes</i> . SNP 2000: Third international meeting on single nucleotide polymorphism and complex genome analysis, Human mutation 17:327 Abst. 42 (2001). | | | | | |
| | C5 | Rodi, C. <i>The Human Genome Project and Human Variation – Determination of Allelic Frequencies Using Pooled Samples and Massarray MALDI-TOF MS</i> . SNP 2000: Third international meeting on single nucleotide polymorphism and complex genome analysis, Human mutation 17:340 Abst. 91 (2001). | | | | | |
| | C6 | Kwok, P.Y., <i>High Density Map of the Human Genome</i> , Mutation Detection 2001: VI International Symposium on Mutations in the Human Genome at Bled, Slovenia; Lecture, May 5, 2001; Program, Abst. p. 26 (2001). | | | | | |
| | C7 | Voss, T. <i>et al.</i> , <i>Periplasmic expression of human interferon- $\alpha 2c$ in E. Coli results in a correctly folded molecule</i> . Biochem. J., Japanese Biochem. Soc., Tokyo, JP, 298: 719-725 (1994). | | | | | |
| | C8 | Bolk, S. <i>et al.</i> , <i>High-Throughput SNP Genotyping using Single-base Extension</i> . Am. J. Hum. Gen. 65(4): A97 (1999). | | | | | |
| | C9 | Karayianni-Vasconcelos, G. <i>et al.</i> , <i>Comparison of Antigenic Properties of Three Interferon (IFN)-Alpha2 Subvariants and Establishment of a Quantitative IFN-alpha2 ELISA</i> . Acta Virol. 37:509-514 (1993). | | | | | |
| | C10 | Kwok, Pui-Yan, "Approaches to Allele Frequency Determination," Washington University School of Medicine, pp. 1-5. | | | | | |
| | C11 | International Search Report of France, pp. 1-6. | | | | | |
| Examiner: | | | | | Date: | | |